

# **EXHIBIT**

**“A”**

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK

-----X  
JIMMY HARRIS,

Plaintiff,

-against-

BURLINGTON COAT FACTORY and URBAN EDGE  
PROPERTIES,

Defendants.  
-----X

Index No.: **15327622**  
Date Purchased: **APR 13 2022**  
**SUMMONS**

Plaintiff designates New York  
County as the place of trial.

The basis of venue is:  
Place of business of defendant.

**To the above, named Defendants:**

**You are hereby summoned** to answer the complaint in this action, and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance on the Plaintiff's attorneys within twenty days after the service of this summons, exclusive of the day of service, where service is made by delivery upon you personally within the state, or, within 30 days after completion of service where service is made in any other manner. In case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

Dated: New York, NY  
April 13, 2022

  
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PATRICK D. GATTI  
Segal & Lax, PC  
Attorneys for Plaintiff  
**JIMMY HARRIS**  
501 Fifth Avenue  
Suite 2004  
New York, NY 10017  
212.922.0891  
Our File No. 21-4333

TO: BURLINGTON COAT FACTORY  
2500 Central Park Avenue  
Yonkers, NY 10710

URBAN EDGE PROPERTIES  
888 7th Avenue, 6th Floor  
New York, NY 10019

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK

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Plaintiff,

-against-

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**VERIFIED COMPLAINT**

Plaintiff, by her attorneys, **SEGAL & LAX, PC**, complaining of the Defendants,  
respectfully alleges, upon information and belief as follows:

**AS AND FOR A FIRST CAUSE OF ACTION ON BEHALF OF  
PLAINTIFF JIMMY HARRIS**

1. That at the time of the commencement of this action, Plaintiff **JIMMY HARRIS**,  
was and still is a resident of the County of Westchester, and State of New York.
2. That the cause of action herein alleged arose in the State of New York, County of  
Westchester.
3. That on or about December 4, 2021 and at all times herein mentioned, Defendant  
**BURLINGTON COAT FACTORY** was, and still is, a domestic corporation organized and  
existing under and by virtue of the laws of the State of New York.
4. That on or about December 4, 2021 and at all times herein mentioned, Defendant  
**URBAN EDGE PROPERTIES** was, and still is, a domestic corporation organized and existing  
under and by virtue of the laws of the State of New York.



5. That at all times herein mentioned, Defendant **BURLINGTON COAT FACTORY** owned and operated the store and/or premises known as and located at 2500 Central Park Avenue, County of Westchester, City of Yonkers, and State of New York.

6. That at all times herein mentioned, Defendant **URBAN EDGE PROPERTIES** owned the premises known as and located at 2500 Central Park Avenue, County of Westchester, City of Yonkers, and State of New York.

7. That on or about December 4, 2021 and at all times herein mentioned, Plaintiff **JIMMY HARRIS** was lawfully present on the premises known as and located at 2500 Central Park Avenue, County of Westchester, City of Yonkers, and State of New York.

8. That on or about December 4, 2021, while lawfully present on the aforesaid premises, Plaintiff **JIMMY HARRIS** was caused to and did sustain severe and permanent injuries due to a defective and malfunctioning escalator located at 2500 Central Park Avenue, County of Westchester, City of Yonkers, and State of New York.

9. That the above-mentioned occurrence, and the results thereof, were caused by the negligence, carelessness and recklessness of Defendant **BURLINGTON COAT FACTORY**.

10. That the above-mentioned occurrence, and the results thereof, were caused by the negligence, carelessness and recklessness of Defendant **URBAN EDGE PROPERTIES**.

11. That no negligence on the part of the Plaintiff **JIMMY HARRIS** contributed to the occurrence alleged herein in any manner whatsoever.

12. That as a result of the negligence of Defendants, Plaintiff **JIMMY HARRIS** was caused to and did sustain serious injuries, and to have suffered pain, shock and mental anguish; that these injuries and their effects will be permanent; that as a result of said injuries, Plaintiff has been caused to incur, and will continue to incur, expenses for medical care and attention; and that

as a further result, Plaintiff was, and will continue to be, rendered unable to perform his normal activities and duties and has sustained a resultant loss therefrom.

13. That this action falls within one or more of the exemptions set forth in CPLR §1602.

14. That as a result of the foregoing, Plaintiff **JIMMY HARRIS** was damaged in a sum which exceeds the jurisdictional limitations of all lower courts.

**WHEREFORE**, Plaintiff demands judgment against the Defendants herein on all causes of action, in a sum exceeding the jurisdictional limits of all lower courts which would otherwise have jurisdiction, together with the costs and disbursements of this action.

Dated: New York, NY  
April 13, 2022

Yours, etc.



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PATRICK D. GATTI  
Segal & Lax, PC  
Attorneys for Plaintiff  
**JIMMY HARRIS**  
501 Fifth Avenue  
Suite 2004  
New York, NY 10017  
212.922.0891  
File No. 21-4333

**ATTORNEY'S VERIFICATION**

**PATRICK D. GATTI**, an attorney duly admitted to practice before the Courts of the State of New York, affirms the following to be true under the penalties of perjury:

I am an attorney at **SEGAL & LAX, PC**, attorneys of record for Plaintiff, **JIMMY HARRIS**. I have read the annexed **COMPLAINT** and know the contents thereof, and the same are true to my knowledge, except those matters therein which are stated to be alleged upon information and belief, and as to those matters I believe them to be true. My belief, as to those matters therein not stated upon knowledge, is based upon facts, records, and other pertinent information contained in my files.

This verification is made by me because Plaintiff is not presently in the county wherein I maintain my offices.

DATED: New York, NY  
April 13, 2022

  
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PATRICK D. GATTI